



**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF HAYWARD,  
City Council Chambers 777 B Street  
Hayward, CA 94541  
Tuesday, March 23, 1999, 8:00 p.m.**

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**MEETING**

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez, Hilson,  
Rodriquez, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: None

**PUBLIC COMMENTS**

Jason Moreno, 25200 Carlos Bee Boulevard, commented on political contributions received by Mayor Cooper.

Francisco Abrantes, 22815 Alice Street, discussed the bus routes from BART, its drivers, and the safety of pedestrians on the bus only zone.

Frank Goulart, 22248 Main Street, congratulated the Council for keeping the Mission Boulevard City Hall and for the upcoming Saturday dedication of the Giuliani Park.

Lori D. Miller, 27422 Lemon Tree Court, described the circumstances when her vehicle was stolen and recovered. She was unable to pay for its storage, so the truck was sold for scrap.

Mayor Cooper responded to Ms. Miller that she had received her letter and referred the matter to the City Manager for response.

Joseph Peacock, 22811 Grand Street, President of the Hayward West Little League, expressed his disappointment in not having more baseball fields available in Hayward. He asked that Council seek to maintain baseball fields for the Little League teams. He would discuss this further at the community meeting at next week at Burbank school.

Al Reynolds, 2547 Erskine Lane, thanked the Council for having the sign removed across from the Pepsi plant as he had previously requested. He was not pleased that the curb in front of Eden Gardens School has been painted white and parents have been cited. He suggested the curb be painted yellow with a fifteen minute parking limit.

JV McCarthy, B Street, submitted a card, but was not available to speak.

**CONSENT**

**DRAFT**

Agenda item 2 was removed for further information.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of March 16, 1999.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Jimenez, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of March 16, 1999 with a revision submitted by Council Member Dowling.

2. Resolution Authorizing the Sale of Surplus Real Property Located at 1100/1110 and 1154 "D" Street, and 22775 Second Street via Public Auction

Staff report submitted by Deputy Director of Public Works Bauman, dated March 23, 1999, was filed.

Council Member Ward asked whether the parcels would be available for development and was told that they could be, although two already have single family homes on them.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-043, "Resolution Authorizing Sale of Surplus Property Parcel Nos. 113, 114, and 115 by Public Auction"

## **LEGISLATIVE BUSINESS**

3. Consideration of a Living Wage Ordinance

Staff report submitted by City Manager Armas, for March 23, 1999, was filed.

City Manager Armas presented the staff report, noting the review by the Economic Development Committee, the ordinance provisions, as well as the compliance requirements. The effective date, July 1, will coincide with the fiscal year and the Council will review the costs involved in October 2000. He pointed out the costs involved, the enforcement mechanisms and amendments for Council consideration. He paraphrased the possible amendments to the staff recommendation that included annual consumer price index (CPI) adjustments to hourly rates, extension of coverage to subcontractors, compensated days off, protections against retaliation, and extending coverage to non-profit organizations. At the request of the Council, he then explained the earned income tax credit information that will be made available.

Council Member Hilson commented on Exhibit 2. He suggested a possible change in the time to



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determine the CPI adjustment. He asked for further information regarding the response of non-profit agencies.

Council Member Jimenez asked about compensated days off for part-time workers. City Manager Armas responded that it recognized the time in relationship to a full-time position.

Council Member Rodriguez noted that she polled several non-profit agencies with no opposition from the directors.

Mayor Cooper opened the public hearing at 8:42 p.m.

Alameda Labor Council was given fifteen minutes to speak.

Judy Goff, 744 Palmera Court, Alameda, Central Labor Council, urged the Council to consider unresolved issues. She referred to the letter dated March 18. She encouraged the Council not to move in haste, but to really consider the amendments.

Margaret Feinberg, 777 Rhode Island Street, #1, San Francisco, a union labor lawyer, discussed public accountability and raising the level of poor working people. She pointed out the scope of the ordinance, and noted the differences from the San Jose ordinance in service contractors. She noted that it should include property lessees to include subcontractors. She urged the incorporation of compensated days off and ten non-compensated days. She suggested adding social services to the list of contractors.

Jim Du Pont, 548 - 20<sup>th</sup> Street, Oakland, discussed subsidy issues, with the threshold of \$100,000 to a developer to require them to pay the living wage.

Richard Benson, 28870 Mission Boulevard, UFCW Local 870, hotel workers, said it makes sense to include financial assistance for economic development. He agreed that certain exemptions should be included.

Bob Britton, 5240 Crane, Castro Valley, representing Local 21, indicated that his membership agrees with adopting a living wage.

Berry Lubovsky, Building & Construction Trades Council of Alameda County, said it was extremely important to give equity to the lowest workers in this community to provide a higher quality of life. He felt that this ordinance has too many loopholes and urged that the Council pass the ordinance submitted by the labor movement rather than what is before them.

Larry Hendel, SEIU, 100 Oak, Oakland, urged the adoption of the labor movement submittal or consideration of the San Jose ordinance regarding scope. He urged both non-profit and for profit social agencies be included. He was disappointed that Hayward's draft does not include CFARs

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(Contractors and Financial Assistance Recipients).

Scott Raty, Hayward Chamber of Commerce, spoke against the draft ordinance. He noted how this requirement would impact Hayward's downtown regarding CFAR or leave it out to revitalize downtown Hayward.

James Liggins, 3546 Deer Park Way, representing United Food and Commercial Workers, spoke in support of the living wage ordinance. He felt this would be basically fair for Hayward workers.

Ed Mullin, 313 B Sea Mist Court, representing the Governmental Committee of the Hayward Chamber of Commerce, spoke in opposition of this ordinance. He did not agree with spending \$70,000 to \$160,000 to maintain and implement this ordinance.

Allen Hollis, 94 Cossia Court, representing bus drivers, spoke in favor of the living wage.

James Cohen, 3393 Sutton Loop, Fremont, has a business in the downtown and spoke in opposition.

Yolanda Hayles, 22668 7<sup>th</sup> Street, indicated that she makes minimum wage and works more than one job to make a living. She also expressed her concerns in the use of mass transit.

Paul Ward, Hayward Chamber of Commerce, spoke against the ordinance and how it would impact non-profit organizations. He indicated that all of the non-profit organizations he contacted expressed concern regarding the two real effects, which would be a cut-back of services to those who are most in need of the services and increases the competition for the fixed fund from the City.

James Prola, 2234 Belvedere, San Leandro, owns property on B Street with three businesses. He provided a newspaper article, entitled "True Benefits of a Living Wage Figured." He urged the passage of the union ordinance, as it seemed to provide better benefits, better enforcement and broader coverage.

Victor Kralj, The Bistro, 1001 "B" Street, owns a small business in downtown Hayward. He wondered why Hayward would want to do this before the redevelopment is complete. Hayward should keep open the avenues for businesses to come here.

Bill Thornton, 3616 Skyline Drive, Vice President of Branch 214 of the letter carriers, supported the rest of the trade unionists in agreeing to the union proposal.

Stephen St. Claire, 402 Craven Court, Minister of the United Church of Hayward, a South Hayward Parish, a non-profit agency, spoke in favor of the union sponsored ordinance. He indicated that, as a non-profit, they would be willing to be in compliance with the Ordinance as soon as possible. He indicated that people willing to work should be able to pay for their living



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expenses. He said the downtown should not be developed on the backs of the most vulnerable residents.

Bea Thornton, 816 Pinedale Court, urged adoption of the ordinance.

Jim Forsyth, 614 Atherton Place, Hayward Demos, urged the adoption of an Ordinance that is enforceable and includes all workers who benefit from City subsidies of all kinds.

Lisa Aguirre, 20800 Lake Chabot Road, #215, Castro Valley, urged the inclusion of the amendment provisions with stronger language as provided by unions.

Peter Hendley, 1716 Highland Boulevard, spoke in favor of a strong living wage ordinance that includes the amendments proposed by the Labor Council. He urged the inclusion of the all non-profits; he asked why only the non-profits through the Human Services Commission funding are included. He proposed all non-profits who receive any City funds be included as well as the CFARs.

James N. Thornton, 24417 Margaret Drive, spoke on behalf of labor unions and cited President Franklin Roosevelt's support of unions as well as developing unemployment insurance and social security. He encouraged Council to pass the union version of the proposal.

Jason Moreno, 25200 Carlos Bee Boulevard, spoke in opposition to comments made by the Chamber of Commerce.

Rick Trullinger, 347 Barbara Court, owns a business in Hayward and spoke in support of the labor union ordinance.

Antonio Abaria, SEIU #1877, 3166 Fruitvale, Oakland, staff person representing union janitors, said a Living Wage Ordinance (LWO) is a question of respect and human dignity. He urged support of the labor proposal.

Dan Rush, United Food and Commercial Workers, Local 120, 8400 Enterprise Way, Oakland, and officer of the Central Labor Council, urged adoption to represent the children of Hayward.

Mayor Cooper closed the public hearing at 9:57 p.m.

Council Member Dowling asked questions of Attorney Feinberg, who explained the various concerns of the unions regarding the City proposal. She suggested that the Council broaden the scope to include social services contracts. She said the list provided by the City was too limited and should be rephrased to include all enumerated contracts.

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Council Member Henson asked why the ten uncompensated days were not included in the proposal.

City Manager Armas explained that several other cities LWOs were used as a basis for this ordinance and they did not include a specified number of days.

Council Member Jimenez stated that he has been a long-time resident of Hayward and has supported labor unions for so many years. He expressed concern that this might have an unfavorable impact on our downtown revitalization and that the City Council had not received significant input from residents on this issue. However, he would be supportive of this proposal. He then moved the ordinance proposed by staff with Exhibit 2 of the agenda report as amendments to this ordinance.

In seconding the motion, Council Member Ward asked for a further amendment that City employees, who are compensated at a rate less than this LWO provides, be included in LWO.

Council Member Rodriquez asked staff to define "scope."

City Manager Armas explained that the union provisions include CFARs, which may have ramifications to other businesses in Hayward. He then explained that the value of the Earned Income Tax Credit would augment the effort.

Ms. Feinberg explained that the scope issue also had to do with the definitions of a service contractor, defining proprietary leases, which should be covered, as well as which financial recipients.

Council Member Henson then asked the maker of the motion to entertain a friendly amendment with consideration of five working but uncompensated days to be included in the LWO.

Council Member Jimenez and Council Member Ward both accepted the addendum to add five additional uncompensated days with no penalty to the employer to the ordinance.

Council Member Dowling asked for a friendly amendment to include #5, "for profit agencies that receive Human Services Commission approved funds," and that any employee under 21 years of age be exempted from the proposed ordinance.

Council Member Jimenez agreed, but Council Member Ward expressed concern and took exception to the "under 21 years of age" exclusion.

Council Member Hilson spoke in favor of the motion and thanked everyone for coming out to the meeting to discuss the issue. He added that the State has to further deal with the issue in order to affect many more than just those who work through Hayward contracts.

Council Member Dowling thanked Hayward Demos Democratic Club, all of the union members who came to the meeting, as well as City staff for all of their hard work.



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Council Member Rodriguez pointed out that there is a bill being considered. She agreed with Council Member Hilson that this should be a State law rather than individual cities passing each ordinance. She was pleased with what was being introduced.

Mayor Cooper commented on the heroic efforts of past labor leaders and noted that this is a step forward, a symbolic gesture for an improved quality of life for employees.

The following friendly amendments were made and approved by both the maker of the motion and the second: Council Member Ward seconded and added a friendly amendment to include City of Hayward employees under this ordinance; Council Member Henson added to Amendment #3 to include five uncompensated days, Council Member Dowling included a friendly amendment: deleting the word "nonprofit" from amendment #5.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and unanimously carried by all present, to approve the following:

Ordinance 99-, "An Ordinance Adopting the Hayward Living Wage Ordinance as Article 13 of Chapter 2 of the Hayward Municipal Code"

There was a ten-minute recess and Council reconvened at 10:52 p.m.

**4. Consideration of City Sponsorship of Teacher Participation in the Local Government Summer Institute (*Continued from 3/16/99*)**

Staff report submitted by City Manager Armas, dated March 23, 1999, was filed.

Council Member Hilson described the proposal adding that each teacher who goes to the conference signs a contract stating that they, in turn, will hold a training session with an additional 25 teachers.

Council Member Jimenez asked how many teachers would be sponsored by the HUSD.

Council Member Hilson said he was unable to reach Dr. Foxworthy, but would continue to try to reach him and encourage Hayward Unified School District to sponsor teachers to participate as well.

Council Member Henson suggested that when the four instructors hold their workshops perhaps Council Members could be invited to attend and to determine whether the cost of the program is worthwhile.

**DRAFT**

Mayor Cooper opened and closed the public hearing at 10:58 p.m., with no input from the public.

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and unanimously carried by all present, to approve the following:

Resolution 99-044, " Authorizing the City of Hayward to Serve as a Sponsor for the Citizenship and Law-Related Education Center and Amending Resolution 98-107, as Amended, the Budget Resolution for Fiscal Year 1998-99, Relating to an Appropriation of Funds From the Non-Departmental Budget, Fund 100"

## ADJOURNMENT

Mayor Cooper provided opportunity for Council Member Jimenez to adjourn the meeting in memory of long-time resident Art Moreno, owner of the Hayward Classic Coffee Service, stating that he was dedicated to this community.

The meeting was also adjourned by the Mayor at 11:01 p.m. in memory of Phyllis George, wife of J. Paul George, who was active in Hayward fund-raising for disabled residents.

Mayor Cooper then announced the community meeting next week at Burbank School and invited everyone to attend at 7 p.m.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward

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